

IC 7.1-2-2

Chapter 2. Officers and Employees

IC 7.1-2-2-1

Office of prosecutor created

Sec. 1. Office of Prosecutor Created. There is hereby created within the commission a division to be known as the "Office of the Prosecutor."

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-2-2

Qualifications and appointment

Sec. 2. Qualifications and Appointment. The prosecutor shall be appointed by the governor for a term of four (4) years to be served at the pleasure of the governor. The prosecutor shall be a resident of the state and a practicing member of the Indiana bar for at least five (5) years preceding his appointment.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-2-3

Bond and oath of office

Sec. 3. Bond and Oath of Office. The prosecutor shall execute a surety bond in the amount of five thousand dollars (\$5,000), with surety approved by the governor, and an oath of office, both of which shall be filed in the office of the secretary of state.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-2-4

Compensation

Sec. 4. Compensation. As compensation for services, the prosecutor shall receive an annual salary to be fixed in the same manner that the salaries of other state officials are fixed. In addition to the annual salary, the prosecutor shall be reimbursed for traveling and other expenses necessarily incurred while away from his office carrying out his duties as prosecutor.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-2-5

Prosecutor; powers and duties

Sec. 5. Prosecutor: Powers and Duties. The prosecutor shall have the following powers and duties:

(a) To prosecute before the commission all violations of laws pertaining to alcohol, alcoholic beverages, and tobacco, including violations pertaining to tobacco vending machines;

(b) To prosecute before the commission all violations of the rules and regulations of the commission;

(c) To assist the prosecuting attorneys of the various judicial circuits in the investigation and prosecution of violations of laws pertaining to alcohol, alcoholic beverages, and tobacco, including violations pertaining to tobacco vending machines, and to represent

the state in these matters;

(d) To appear before grand juries to assist in their investigations into matters pertaining to alcohol, alcoholic beverages, and tobacco, including matters pertaining to tobacco vending machines;

(e) To establish a seal of his office;

(f) To administer oaths and to do all other acts authorized by law for notaries public; and,

(g) To employ, with the consent of the commission and at salaries fixed by the commission in their budget, the clerical staff required by him to effectively discharge his duties.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.250-2003, SEC.6.

IC 7.1-2-2-6

Office space and expenses

Sec. 6. Office Space and Expenses. The commission shall provide the prosecutor with appropriate office space and all necessary office supplies and services. All claims for salaries and necessary expenses of the office of the prosecutor shall be allowed and approved by the commission and shall be paid from the enforcement and administration fund of the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-2-7

Executive secretary

Sec. 7. Executive Secretary. The commission, with the consent of the governor, shall employ an executive secretary to aid the commission in the efficient administration of its powers and duties.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-2-8

Enforcement officer; appointments

Sec. 8. (a) The commission may employ qualified individuals to serve as enforcement officers of the commission.

(b) Enforcement officers shall be employed so that not more than one-half (1/2) the number of enforcement officers are members of the same political party.

(c) The superintendent of the enforcement officers must have had at least ten (10) years experience as an active law enforcement officer, at least five (5) years of which must have been in a management capacity.

(d) The commission shall issue to an enforcement officer a certificate of employment under the seal of the commission. The courts of this state shall take judicial notice of a certificate of employment.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.204-2001, SEC.20.

IC 7.1-2-2-9

Enforcement officer; powers and duties

Sec. 9. (a) An enforcement officer is vested with full police powers and duties to enforce:

- (1) the provisions of this title;
- (2) any other law of this state relating to alcohol or alcoholic beverages; and
- (3) tobacco laws, including tobacco vending machines.

(b) An enforcement officer may issue a summons for infraction or misdemeanor violations if the defendant promises to appear by signing the summons. A defendant who fails to appear is subject to the penalties provided by IC 35-44-3-6.5. Upon failure to appear, the court shall issue a warrant for the arrest of the defendant.

(c) In addition to the authority of an enforcement officer under subsection (a), an enforcement officer may act as an officer for the arrest of offenders against the laws of this state if the enforcement officer reasonably believes that a crime is or is about to be committed or attempted in the enforcement officer's presence.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by Acts 1979, P.L.83, SEC.1; P.L.84-1985, SEC.1; P.L.256-1996, SEC.1; P.L.177-1999, SEC.4.

IC 7.1-2-2-10

Enforcement officer; bond and oath of office

Sec. 10. Enforcement Officers: Bond and Oath of Office. Each enforcement officer shall execute a surety bond in the amount of one thousand dollars (\$1,000), with surety approved by the commission, and an oath of office, both of which shall be filed with the executive secretary of the commission.

(Formerly: Acts 1973, P.L.55, SEC.1.)

IC 7.1-2-2-11

Enforcement officer; worker's compensation and occupational disease

Sec. 11. (a) The injury to, the injury to the health of, or the death of, an enforcement officer shall be compensable under the appropriate provisions of IC 22-3-2 through IC 22-3-7 if the injury, injury to the health, or death, arises out of, and in the course of, the performance of the officer's duties as an enforcement officer.

(b) For the purposes of subsection (a), and of IC 22-3-2 through IC 22-3-7, an enforcement officer shall be conclusively presumed to have accepted the compensation provisions provided in them.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.28-1988, SEC.3.

IC 7.1-2-2-11.5

Retired law enforcement officer; retention of service weapon; badge and identification card

Sec. 11.5. An eligible enforcement officer who retires with at least twenty (20) years of service as an enforcement officer may retain the officer's service weapon. The officer is entitled to receive, in recognition of the officer's service to the commission and to the

public, a badge that indicates that the officer is retired. The commission shall issue the officer who is retiring an identification card stating the officer's name and rank, signifying that the officer is retired, and noting the officer's authority to retain the service weapon.

As added by P.L.1-1992, SEC.27.

IC 7.1-2-2-12

Employees; discharge of non-probationary enforcement officer

Sec. 12. (a) The commission shall have the power to employ and remove at will all necessary clerks, stenographers, bookkeepers, auditors, accountants, assistants of any nature, and other employees, and to fix their duties, authorities, and, with proper approval, their compensation.

(b) The superintendent of the enforcement officers may discharge a non-probationary enforcement officer for just cause. The commission shall adopt rules to establish a procedure for the adjudication of the propriety of the discharge of a non-probationary enforcement officer.

(Formerly: Acts 1973, P.L.55, SEC.1.) As amended by P.L.347-1995, SEC.1.

IC 7.1-2-2-13

Enforcement officers; salaries

Sec. 13. (a) The alcohol and tobacco commission shall categorize salaries of enforcement officers within each rank based upon the rank held and the number of years of service in the commission through the tenth year. The salary ranges that the board assigns to each rank shall be divided into a base salary and ten (10) increments above the base salary with:

- (1) the base salary in the rank paid to a person with less than one (1) year of service in the commission; and
- (2) the highest salary in the rank paid to a person with at least ten (10) years of service in the commission.

(b) For purposes of creating the salary matrix prescribed by this section, the alcohol and tobacco commission may not approve salary ranges for any rank that are less than the salary ranges effective for that rank on January 1, 1995.

(c) The salary matrix prescribed by this section shall be reviewed and approved by the budget agency before implementation.

(d) The money needed to fund the salaries resulting from the matrix prescribed by this section shall come from the state general fund.

(e) The salary matrix prescribed by this section must have parity with the salary matrix prescribed by the natural resources commission under IC 14-9-8 for conservation officers of the department of natural resources. The budget agency shall approve a salary matrix that meets the parity requirement of this subsection.

As added by P.L.1-1999, SEC.19. Amended by P.L.204-2001, SEC.21.